UNITED NATIONS

UNEP

BC

UNEP/CHW.12/18

Distr.: General
10 February 2015

Original: English

BASEL CONVENTION

Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Twelfth meeting
Geneva, 4–15 May 2015
Item 4 (e) (iii) of the provisional agenda*
Matters related to the implementation of the Convention: international cooperation, coordination and partnerships: cooperation with the International Maritime Organization

Cooperation between the Basel Convention and the International Maritime Organization

Note by the Secretariat

I. Introduction

1. By its decision BC-11/17, on cooperation between the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the International Maritime Organization (IMO), the Conference of the Parties to the Basel Convention requested the Secretariat to undertake several activities pertaining to the issue of wastes generated on board ships and the relationship between the Basel Convention and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997 (MARPOL).

2. In the same decision, the Conference of the Parties took note of the revised legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships, and of the conclusions contained therein.[1]

3. The Conference of the Parties reiterated its invitation contained in decision BC-10/16 for parties to undertake an assessment, in close consultation with IMO, on how far the current Basel Convention technical guidelines covered wastes covered by MARPOL; and reiterated its request to the Secretariat to develop, subject to the availability of resources, a guidance manual, in cooperation with IMO, on how to improve the sea-land interface to ensure that wastes falling within the scope of MARPOL, once offloaded from a ship, were managed in an environmentally sound manner.

4. In the same decision, the Conference of the Parties requested the Secretariat:

(a) To keep IMO informed of any developments on the subject of the decision arising in the context of the Basel Convention and to monitor any consideration by the Marine Environment Protection Committee and the Maritime Safety Committee of IMO of issues of relevance to the Basel Convention;

* UNEP/CHW.12/1.
[1] UNEP/CHW.11/INF/22.

(b) To continue, as appropriate, its cooperation with IMO to improve the effectiveness of the Basel Convention in those matters;

(c) To continue, as appropriate, its cooperation with the International Organization for Standardization (ISO).

II. Implementation

A. Assessment of the Basel Convention technical guidelines

5. On 10 October 2013, the Secretariat was informed by the Public Waste Agency of Flanders, Belgium, of its intention to assess the extent to which the current Basel Convention technical guidelines addressed wastes covered by MARPOL. A report on the status and methodology for the development of the assessment was submitted to the Open-ended Working Group at its ninth meeting.[2] At that time, general appreciation was expressed by the Working Group for the report by the Public Waste Agency of Flanders.

6. On 19 December 2014, a draft assessment prepared by the Public Waste Agency of Flanders was posted on the Convention website with an invitation to parties to comment. The comments received from parties and IMO, as at 30 January 2015, will be available from the Convention website (http://www.basel.int/Implementation/LegalMatters/Ships/tabid/2405/Default.aspx).

7. The assessment prepared by Public Waste Agency of Flanders is set out in document UNEP/CHW.12/INF/29.

B. Guidance manual on how to improve the sea-land interface

8. On 27 January 2015, the Secretariat received financial support from Norway to develop, in cooperation with IMO, a guidance manual on how to improve the sea-land interface to ensure that wastes falling within the scope of MARPOL, once offloaded from a ship, are managed in an environmentally sound manner. The guidance manual will be developed with the support of a consultant, in cooperation with IMO and in accordance with the process set out in paragraph 17 of the present note.

9. With a view to continuing its cooperation with IMO to improve the sea-land interface to achieve the environmentally sound management of hazardous wastes and other wastes generated on board ships, the Secretariat participated in two regional workshops organized by IMO on port reception facilities, held in Fort Lauderdale, United States of America, in July 2013, and in Istanbul, Turkey, in October 2014.

C. Marine Environment Protection Committee and Maritime Safety Committee

10. In August 2013, the Secretariat informed the Secretary-General of IMO of the outcome of the eleventh meeting of the Conference of the Parties as reflected in decision BC-11/17.

11. The Secretariat submitted to the Maritime Environment Protection Committee at its sixty-sixth session, held in London from 31 March to 4 April 2014, a report providing an overview of decision BC-11/17.[3] The submission was considered under the agenda item entitled "Any other business", at which time the Committee took note of decision BC-11/17.[4]

12. Subsequently, the Secretariat submitted to the Committee at its sixty-seventh session, held in London from 13 to 17 October 2014, a document[5] providing comments on the revised version of the IMO *Comprehensive Manual on Port Reception Facilities*,[6] which was considered for approval by the Committee under agenda item 11, "Inadequacy of reception facilities". In its submission, the Secretariat proposed amendments to the manual to emphasize the importance of the linkages between MARPOL and the Basel Convention in order to ensure that wastes, once offloaded at ports, are managed in an environmentally sound manner. Due to the full agenda before the meeting, this item was not considered and was referred to the Committee at its sixty-eighth session to be held in May 2015.

[2] UNEP/CHW/OEWG.9/INF/28.

[3] IMO, MEPC 66/INF.26.

[4] IMO, MEPC 66/21, para. 20.2.

[5] IMO, MEPC 67/11/1.

[6] IMO, MEPC 67/11.

13. The Secretariat submitted to the Maritime Safety Committee at its ninety-third session, held in London from 14 to 23 May 2014, a report[7] similar in substance to that submitted to the Maritime Environment Protection Committee at its sixty-sixth session. The submission was made under agenda item 21, entitled "Any other business". The Committee took note of decision BC-11/17.[8]

14. As reported by the Secretariat to the Conference of the Parties at its eleventh meeting,[9] the Maritime Safety Committee, at its ninetieth session, agreed to amend the International Convention for the Safety of Life at Sea (SOLAS) to prohibit the blending of bulk liquid cargoes and production processes during sea voyages.[10] The new SOLAS regulation VI/5-2, prohibiting both blending and industrial processes, entered into force on 1 January 2014. At its ninety-third session, the Maritime Safety Committee, in considering the outcome of the first session of the Subcommittee on Pollution Prevention and Response (formerly the Subcommittee on Bulk Liquids and Gases) noted that a significant number of questions had been received by IMO members, international organizations and the IMO secretariat on the application of the new SOLAS regulation VI/5-2.[11] The Committee agreed to further work on clarifying the application of new SOLAS regulation VI/5-2, and instructed the Subcommittee on Pollution Prevention and Response at its second session to advise the Committee on this matter at its ninety-fifth session to be held in May 2015.[12]

D. Cooperation with the International Organization for Standardization

15. As reported to the Conference of the Parties at its eleventh meeting, the Secretariat cooperated with the ISO working group developing standard 16304 for port waste reception facilities,[13] and in particular provided written comments on the draft standard. ISO standard 16304 was finalized and published on the ISO website on 19 March 2013 (http://www.iso.org/iso/catalogue_detail.htm?csnumber=56129).

16. A second edition of the standard is currently under development and is likely to include a certification scheme. The Secretariat continues to monitor developments on the subject and will continue, as appropriate, to cooperate with the ISO working group on the second edition of the standard.

III. Proposed action

17. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the information contained in the note by the Secretariat on cooperation between the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the International Maritime Organization;[14]

2. *Welcomes* the assessment, prepared by the Public Waste Agency of Flanders, on how far the current Basel Convention technical guidelines address wastes covered by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997,[15] and *encourages* parties and others to use it;

3. *Requests* the Secretariat:

(a) To prepare a first draft of the guidance manual on how to improve the sea-land interface and make it available on the Convention website by 31 December 2015;

(b) To invite parties and others to comment on the draft guidance manual by 31 March 2016;

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[7] IMO, MSC 93/21/1.

[8] IMO, MSC 93/22, para. 21.20.

[9] UNEP/CHW.11/17.

[10] Resolution MSC.325(90).

[11] IMO, MSC 93/20/6.

[12] IMO, MSC 93/22, paras. 20.20 and 20.21.

[13] Working Group 4 of the Technical Committee ISO/TC 8, ships and marine technology, subcommittee SC 2, marine environment protection (ISO/TC 8/SC 2/WG 4).

[14] UNEP/CHW.12/18.

[15] UNEP/CHW.12/INF/29.

(c) To submit a revised draft guidance manual, taking into account the comments received, to the Open-ended Working Group for consideration at its tenth meeting;

(d) To keep the International Maritime Organization informed of any developments on the subject of the present decision arising in the context of the Basel Convention and to monitor any consideration by the Marine Environment Protection Committee and the Maritime Safety Committee of the International Maritime Organization of issues of relevance to the Basel Convention;

(e) To continue, as appropriate, its cooperation with the International Organization for Standardization;

4. *Requests* the Open-ended Working Group at its tenth meeting to finalize the guidance manual on how to improve the sea-land interface for consideration by the Conference of the Parties at its thirteenth meeting;

5. *Requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its thirteenth meeting.